

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation )  
Against: )

**KAMRON HAKHAMIMI, M.D.** )

File No. 06-2006-177606

Physician's and Surgeon's )  
Certificate No. A 74169 )

Respondent )  
\_\_\_\_\_ )

**DECISION**

The attached Stipulation and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

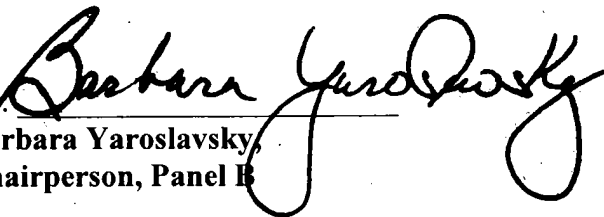
This Decision shall become effective at 5:00 p.m. on **January 5, 2009**.

IT IS SO ORDERED **December 4, 2008**.

MEDICAL BOARD OF CALIFORNIA

By \_\_\_\_\_

**Barbara Yaroslavsky,  
Chairperson, Panel B**



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ROBERT McKIM BELL  
Supervising Deputy Attorney General  
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6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 KAMRON HAKHAMIMI, M.D.

14 Post Office Box 40009  
15 Studio City, California 91614

16 Physician's and Surgeon's Certificate No. A  
74169,

17 Respondent.

Case No. 06-2006-177606

OAH No. L2007090125

18 **STIPULATED SETTLEMENT AND**  
19 **DISCIPLINARY ORDER**

20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to  
21 the above-entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Barbara Johnston (Complainant) is the Executive Director of the Medical  
24 Board of California (Board). She brought this action solely in her official capacity and is  
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
26 by Tan N. Tran, Deputy Attorney General.

27 2. Respondent Kamron Hakhamimi, M.D. (Respondent) is represented in this  
28 proceeding by attorney Peter R. Osinoff, Esq., whose address is 3699 Wilshire Boulevard, 10th  
Floor, Los Angeles, CA 90010-2719.

3. On or about March 29, 2001, the Medical Board of California issued

1 Physician's and Surgeon's Certificate No. A 74169 to Kamron Hakhamimi, M.D. (Respondent).  
2 That license was in full force and effect at all times relevant to the charges brought in the  
3 Accusation and First Amended Accusation Nos. 06-2006-177606 and will expire on September  
4 30, 2010, unless renewed.

#### 5 JURISDICTION

6 4. Accusation No. 06-2006-177606 was filed before the Board, and is  
7 currently pending against Respondent. The Accusation and all other statutorily required  
8 documents were properly served on Respondent on August 13, 2007. Respondent timely filed  
9 his Notice of Defense contesting the Accusation. A First Amended Accusation No. 06-2006-  
10 177606 was also filed on September 23, 2008. A copy of the First Amended Accusation No.  
11 06-2006-177606 is attached as Exhibit A and incorporated herein by reference.

#### 12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and  
14 understands the charges and allegations in the First Amended Accusation No. 06-2006-177606.  
15 Respondent has also carefully read, fully discussed with counsel, and understands the effects of  
16 this Stipulated Settlement and Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be  
19 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
20 against him; the right to present evidence and to testify on his own behalf; the right to the  
21 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
22 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
23 by the California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
25 each and every right set forth above.

#### 26 CULPABILITY

27 8. Respondent admits the truth of each and every charge and allegation in the  
28 Fourth Cause for Discipline in the First Amended Accusation No. 06-2006-177606 and admits

1 that he is subject to disciplinary action for violation of sections 726 and 729 of Business and  
2 Professions Code.

3 9. Respondent agrees that his Physician's and Surgeon's Certificate is  
4 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth  
5 in the Disciplinary Order below.

6 **CIRCUMSTANCES IN MITIGATION**

7 10. Respondent Kamron Hakhamimi, M.D. has never been the subject of any  
8 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

9 **RESERVATION**

10 11. The admissions made by Respondent herein are only for the purposes of  
11 this proceeding, or any other proceedings in which the Board or other professional licensing  
12 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

13 **CONTINGENCY**

14 12. This stipulation shall be subject to approval by the California Medical  
15 Board. Respondent understands and agrees that counsel for Complainant and the staff of the  
16 Board may communicate directly with the Board regarding this stipulation and settlement,  
17 without notice to or participation by Respondent. By signing the stipulation, Respondent  
18 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
19 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
20 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force  
21 or effect, except for this paragraph, it shall be inadmissible in any legal action between the  
22 parties, and the Board shall not be disqualified from further action by having considered this  
23 matter.

24 **OTHER MATTERS**

25 13. The parties understand and agree that facsimile copies of this Stipulated  
26 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
27 force and effect as the originals.

28 14. In consideration of the foregoing admissions and stipulations, the parties

1 agree that the Board may, without further notice or formal proceeding, issue and enter the  
2 following Disciplinary Order:

3 **DISCIPLINARY ORDER**

4 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate A 74169  
5 issued to Respondent Kamron Hakhamimi, M.D. (Respondent) is revoked. However, the  
6 revocation is stayed and Respondent is placed on probation for seven (7) years on the following  
7 terms and conditions.

8 1. **ETHICS COURSE** Within 60 calendar days of the effective date of this  
9 Decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in  
10 advance by the Division<sup>1</sup> or its designee. Failure to successfully complete the course during the  
11 first year of probation is a violation of probation.

12 An ethics course taken after the acts that gave rise to the charges in the  
13 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
14 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
15 have been approved by the Division or its designee had the course been taken after the effective  
16 date of this Decision.

17 Respondent shall submit a certification of successful completion to the Division  
18 or its designee not later than 15 calendar days after successfully completing the course, or not  
19 later than 15 calendar days after the effective date of the Decision, whichever is later.

20 2. **PROFESSIONAL BOUNDARIES PROGRAM** Within 60 calendar days  
21 from the effective date of this Decision, respondent shall enroll in a professional boundaries  
22 program, at respondent's expense, equivalent to the Professional Boundaries Program, Physician  
23 Assessment and Clinical Education Program at the University of California, San Diego School of  
24

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25 <sup>1</sup>California Business and Professions Code section 2002, as amended and effective  
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
27 the State Medical Practice Act (Cal. Bus. & Prof. Code, section 2000, et seq.) means the  
28 "Medical Board of California," and references to the "Division of Medical Quality" and  
"Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the  
Board.

1 Medicine ("Program"). Respondent, at the Program's discretion, shall undergo and complete the  
2 Program's assessment of respondent's competency, mental health and/or neuropsychological  
3 performance, and at minimum, a 24 hour program of interactive education and training in the  
4 area of boundaries, which takes into account data obtained from the assessment and from the  
5 Decision(s), Accusation(s) and any other information that the Division or its designee deems  
6 relevant. The Program shall evaluate respondent at the end of the training, and the Program shall  
7 provide any data from the assessment and training as well as the results of the evaluation to the  
8 Division or its designee.

9           A Professional Boundaries Program taken after the acts that gave rise to the  
10 charges in the (Amended) Accusation, but prior to the effective date of the Decision may, in the  
11 sole discretion of the Division or its designee, be accepted towards the fulfillment of this  
12 condition if the course/program would have been approved by the Division or its designee had  
13 the course been taken after the effective date of this Decision.

14           Failure to complete the entire Program not later than six months after respondent's  
15 initial enrollment shall constitute a violation of probation unless the Division or its designee  
16 agrees in writing to a later time for completion. Based on respondent's performance in and  
17 evaluations from the assessment, education, and training, the Program shall advise the Division  
18 or its designee of its recommendation(s) for additional education, training, psychotherapy and  
19 other measures necessary to ensure that respondent can practice medicine safely. Respondent  
20 shall comply with Program recommendations. At the completion of the Program, respondent  
21 shall submit to a final evaluation. The Program shall provide the results of the evaluation to the  
22 Division or its designee.

23           The Program's determination whether or not respondent successfully completed  
24 the Program shall be binding.

25           Failure to participate in and complete successfully all phases of the Program, as  
26 outlined above, is a violation of probation.

27           If respondent fails to complete the Program within the designated time period,  
28 respondent shall cease the practice of medicine within 72 hours after being notified by the

1 Division or its designee that respondent failed to complete the Program.

2 3. PSYCHIATRIC EVALUATION Within 30 calendar days of the effective  
3 date of this Decision, and on whatever periodic basis thereafter may be required by the Division  
4 or its designee, respondent shall undergo and complete a psychiatric evaluation (and  
5 psychological testing, if deemed necessary) by a Division-appointed board certified psychiatrist,  
6 who shall consider any information provided by the Division or designee and any other  
7 information the psychiatrist deems relevant, and shall furnish a written evaluation report to the  
8 Division or its designee. Psychiatric evaluations conducted prior to the effective date of the  
9 Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay  
10 the cost of all psychiatric evaluations and psychological testing.

11 Respondent shall comply with all restrictions or conditions recommended by the  
12 evaluating psychiatrist within 15 calendar days after being notified by the Division or its  
13 designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, or  
14 comply with the required additional conditions or restrictions, is a violation of probation.

15 4. NOTIFICATION Prior to engaging in the practice of medicine, the  
16 respondent shall provide a true copy of the Decision(s) and (Amended) Accusation(s) to the  
17 Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership  
18 are extended to respondent, at any other facility where respondent engages in the practice of  
19 medicine, including all physician and locum tenens registries or other similar agencies, and to the  
20 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage  
21 to respondent. Respondent shall submit proof of compliance to the Division or its designee  
22 within 15 calendar days.

23 This condition shall apply to any change(s) in hospitals, other facilities or  
24 insurance carrier.

25 5. OBEY ALL LAWS Respondent shall obey all federal, state and local  
26 laws, all rules governing the practice of medicine in California, and remain in full compliance  
27 with any court ordered criminal probation, payments and other orders.

28 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly

1 declarations under penalty of perjury on forms provided by the Division, stating whether there  
2 has been compliance with all the conditions of probation. Respondent shall submit quarterly  
3 declarations not later than 10 calendar days after the end of the preceding quarter.

4           7.     PROBATION UNIT COMPLIANCE Respondent shall comply with the  
5 Division's probation unit. Respondent shall, at all times, keep the Division informed of  
6 respondent's business and residence addresses. Changes of such addresses shall be immediately  
7 communicated in writing to the Division or its designee. Under no circumstances shall a post  
8 office box serve as an address of record, except as allowed by Business and Professions Code  
9 section 2021(b).

10                 Respondent shall not engage in the practice of medicine in respondent's place of  
11 residence. Respondent shall maintain a current and renewed California physician's and  
12 surgeon's Certificate.

13                 Respondent shall immediately inform the Division, or its designee, in writing, of  
14 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
15 more than 30 calendar days.

16           8.     INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent  
17 shall be available in person for interviews either at respondent's place of business or at the  
18 probation unit office, with the Division or its designee, upon request at various intervals, and  
19 either with or without prior notice throughout the term of probation.

20           9.     RESIDING OR PRACTICING OUT-OF-STATE In the event respondent  
21 should leave the State of California to reside or to practice, respondent shall notify the Division  
22 or its designee in writing 30 calendar days prior to the dates of departure and return. Non-  
23 practice is defined as any period of time exceeding 30 calendar days in which respondent is not  
24 engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions  
25 Code.

26                 All time spent in an intensive training program outside the State of California  
27 which has been approved by the Division or its designee shall be considered as time spent in the  
28 practice of medicine within the State. A Board-ordered suspension of practice shall not be



1 considered as a period of non-practice. Periods of temporary or permanent residence or practice  
2 outside California will not apply to the reduction of the probationary term. Periods of temporary  
3 or permanent residence or practice outside California will relieve respondent of the responsibility  
4 to comply with the probationary terms and conditions with the exception of this condition and  
5 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;  
6 and Cost Recovery.

7                Respondent's license shall be automatically canceled if respondent's periods of  
8 temporary or permanent residence or practice outside California total two years. However,  
9 respondent's license shall not be canceled as long as respondent is residing and practicing  
10 medicine in another state of the United States and is on active probation with the medical  
11 licensing authority of that state, in which case the two year period shall begin on the date  
12 probation is completed or terminated in that state.

13                10.    FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

14                In the event respondent resides in the State of California and for any reason  
15 respondent stops practicing medicine in California, respondent shall notify the Division or its  
16 designee in writing within 30 calendar days prior to the dates of non-practice and return to  
17 practice. Any period of non-practice within California, as defined in this condition, will not  
18 apply to the reduction of the probationary term and does not relieve respondent of the  
19 responsibility to comply with the terms and conditions of probation. Non-practice is defined as  
20 any period of time exceeding 30 calendar days in which respondent is not engaging in any  
21 activities defined in sections 2051 and 2052 of the Business and Professions Code.

22                All time spent in an intensive training program which has been approved by the  
23 Division or its designee shall be considered time spent in the practice of medicine. For purposes  
24 of this condition, non-practice due to a Board-ordered suspension or in compliance with any  
25 other condition of probation, shall not be considered a period of non-practice.

26                Respondent's license shall be automatically canceled if respondent resides in  
27 California and for a total of two years, fails to engage in California in any of the activities  
28 described in Business and Professions Code sections 2051 and 2052.

1                   11.    COMPLETION OF PROBATION Respondent shall comply with all  
2 financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to  
3 the completion of probation. Upon successful completion of probation, respondent's certificate  
4 shall be fully restored.

5                   12.    VIOLATION OF PROBATION Failure to fully comply with any term or  
6 condition of probation is a violation of probation. If respondent violates probation in any respect,  
7 the Division, after giving respondent notice and the opportunity to be heard, may revoke  
8 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to  
9 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,  
10 the Division shall have continuing jurisdiction until the matter is final, and the period of  
11 probation shall be extended until the matter is final.


12                   13.    LICENSE SURRENDER Following the effective date of this Decision, if  
13 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
14 the terms and conditions of probation, respondent may request the voluntary surrender of  
15 respondent's license. The Division reserves the right to evaluate respondent's request and to  
16 exercise its discretion whether or not to grant the request, or to take any other action deemed  
17 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
18 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
19 Division or its designee and respondent shall no longer practice medicine. Respondent will no  
20 longer be subject to the terms and conditions of probation and the surrender of respondent's  
21 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
22 application shall be treated as a petition for reinstatement of a revoked certificate.

23                   14.    PROBATION MONITORING COSTS Respondent shall pay the costs  
24 associated with probation monitoring each and every year of probation, as designated by the  
25 Division. Said costs may be adjusted on an annual basis. Such costs shall be payable to the  
26 Medical Board of California and delivered to the Division or its designee no later than January  
27 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a  
28 violation of probation.

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter R. Osinoff, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 10/16/2008

  
KAMRON HAKHAMIMI, M.D.  
Respondent

I have read and fully discussed with Respondent Kamron Hakhamimi, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/16/08

  
PETER R. OSINOFF, ESQ.  
Attorney for Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Board.

4 DATED: 10/14/08

5 EDMUND G. BROWN JR., Attorney General  
6 of the State of California

7 

8 TAN N. TRAN  
9 Deputy Attorney General

10 Attorneys for Complainant

11 DOJ Matter ID: LA2007501397  
12 60344625.wpd

**Exhibit A**

**First Amended Accusation No. 06-2006-177606**

EDMUND G. BROWN JR., Attorney General  
of the State of California  
ROBERT McKIM BELL  
Supervising Deputy Attorney General  
TAN N. TRAN, State Bar No. 197775  
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Attorneys for Complainant

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
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In the Matter of the Accusation Against:

KAMRON HAKHAMIMI, M.D.  
Post Office Box 40009  
Studio City, California 91614

Physician's and Surgeon's Certificate A 74169,

Respondent.

Case No. 06-2006-177606

OAH No. 2007090125

**FIRST AMENDED  
ACCUSATION**

Complainant alleges:

**PARTIES**

1. Barbara Johnston (Complainant) brings this First Amended Accusation solely in her official capacity as the Executive Director of the Medical Board of California (Board). This pleading supplants and replaces the original Accusation filed in this matter on August 13, 2007.

2. On or about March 29, 2001, the Board issued Physician's and Surgeon's certificate number A 74169 to respondent Kamron Hakhamimi, M.D. allowing him to practice medicine in the State of California. This license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

**JURISDICTION**

3. This First Amended Accusation is brought before the Board under the

1 authority of the following laws. All section references are to the Business and Professions Code  
2 unless otherwise indicated.

3 4. Section 2227 of the Code provides that a licensee who is found guilty  
4 under the Medical Practice Act may have his or her license revoked, suspended for a period not  
5 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or  
6 such other action taken in relation to discipline as the Division<sup>1</sup> deems proper.

7 5. Section 2228 of the Code states:

8 "The authority of the board or a division of the board or the California Board of  
9 Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not  
10 limited to, the following:

11 "(a) Requiring the licensee to obtain additional professional training and to pass  
12 an examination upon the completion of the training. The examination may be written or oral, or  
13 both, and may be a practical or clinical examination, or both, at the option of the board or  
14 division or the administrative law judge.

15 "(b) Requiring the licensee to submit to a complete diagnostic examination by  
16 one or more physicians and surgeons appointed by the division. If an examination is ordered, the  
17 board or division shall receive and consider any other report of a complete diagnostic  
18 examination given by one or more physicians and surgeons of the licensee's choice.

19 "(c) Restricting or limiting the extent, scope, or type of practice of the licensee,  
20 including requiring notice to applicable patients that the licensee is unable to perform the  
21 indicated treatment, where appropriate.

22 "(d) Providing the option of alternative community service in cases other than  
23 violations relating to quality of care, as defined by the Division of Medical Quality."

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24  
25 1. California Business and Professions Code section 2002, as amended and effective  
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
27 the State Medical Practice Act (Cal. Bus. & Prof. Code, section 2000, et seq.) means the  
28 "Medical Board of California," and references to the "Division of Medical Quality" and  
"Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the  
Board.

1                   6.       Section 2234 of the Code states:

2                   "The Division of Medical Quality shall take action against any licensee who is  
3 charged with unprofessional conduct. In addition to other provisions of this article,  
4 unprofessional conduct includes, but is not limited to, the following:

5                   "(a) Violating or attempting to violate, directly or indirectly, assisting in or  
6 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the  
7 Medical Practice Act].

8                   "(b) Gross negligence.

9                   "(c) Repeated negligent acts. To be repeated, there must be two or more  
10 negligent acts or omissions. An initial negligent act or omission followed by a separate and  
11 distinct departure from the applicable standard of care shall constitute repeated negligent acts.

12                   "(1) An initial negligent diagnosis followed by an act or omission medically  
13 appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

14                   "(2) When the standard of care requires a change in the diagnosis, act, or  
15 omission that constitutes the negligent act described in paragraph (1), including, but not limited  
16 to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs  
17 from the applicable standard of care, each departure constitutes a separate and distinct breach of  
18 the standard of care.

19                   "(d) Incompetence.

20                   "(e) The commission of any act involving dishonesty or corruption which is  
21 substantially related to the qualifications, functions, or duties of a physician and surgeon.

22                   "(f) Any action or conduct which would have warranted the denial of a  
23 certificate."

24                   7.       Section 726 of the Code states:

25                   "The commission of any act of sexual abuse, misconduct, or relations with a  
26 patient, client, or customer constitutes unprofessional conduct and grounds for  
27 disciplinary action for any person licensed under this division, under any initiative act  
28 referred to in this division and under Chapter 17 (commencing with Section 9000) of



1 Division 3.

2 "This section shall not apply to sexual contact between a physician and surgeon  
3 and his or her spouse or person in an equivalent domestic relationship when that  
4 physician and surgeon provides medical treatment, other than psychotherapeutic  
5 treatment, to his or her spouse or person in an equivalent domestic relationship."

6 8. Section 729 of the Code states, in pertinent part:

7 "(a) Any physician and surgeon . . . who engages in an act of sexual intercourse,  
8 sodomy, oral copulation, or sexual contact with a patient or client . . . is guilty of sexual  
9 exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

10 "For purposes of subdivision (a), in no instance shall consent of the patient or  
11 client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation  
12 for touching any intimate part of a patient or client unless the touching is outside the scope of  
13 medical examination and treatment, or the touching is done for sexual gratification.

14 "(c) For purposes of this section:

15 " . . . .

16 "(3) "Sexual contact" means sexual intercourse or the touching of an intimate part  
17 of a patient for the purpose of sexual arousal, gratification, or abuse.

18 "(4) "Intimate part" and "touching" have the same meanings as defined in Section  
19 243.4 of the Penal Code."

20 "....

21 9. Section 2236 of the Code states in pertinent part:

22 "(a) The conviction of any offense substantially related to the qualifications,  
23 functions, or duties of a physician and surgeon constitutes unprofessional conduct within the  
24 meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact  
25 that the conviction occurred."

26 "..."

27 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
28 deemed to be a conviction within the meaning of this Section and Section 2236.1. The

1 record of conviction shall be conclusive evidence of the fact that the conviction  
2 occurred.”

3 10. Section 490 of the Code states:

4 “A board may suspend or revoke a license on the ground that the licensee has  
5 been convicted of a crime, if the crime is substantially related to the qualifications,  
6 functions, or duties of the business or profession for which the license was issued. A  
7 conviction within the meaning of this section means a plea or verdict of guilty or a  
8 conviction following a plea of nolo contendere. Any action which a board is permitted to  
9 take following the establishment of a conviction may be taken when the time for appeal  
10 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
11 granting probation is made suspending the imposition of sentence, irrespective of a  
12 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

13 11. California Code of Regulations, Title 16, Section 1360, states:

14 “For the purposes of denial, suspension or revocation of a license, certificate or  
15 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or  
16 act shall be considered to be substantially related to the qualifications, functions or duties  
17 of a person holding a license, certificate or permit under the Medical Practice Act if to a  
18 substantial degree it evidences present or potential unfitness of a person holding a license,  
19 certificate or permit to perform the functions authorized by the license, certificate or  
20 permit in a manner consistent with the public health, safety or welfare. Such crimes or  
21 acts shall include but not be limited to the following: Violating or attempting to violate,  
22 directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate  
23 any provision of the Medical Practice Act.”

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Sexual Abuse/Exploitation of a Patient)

26 12. Respondent is subject to disciplinary action for sexual abuse/exploitation,  
27 misconduct and/or relations with a patient in violation of sections 726 and 729 of the Code. The  
28 circumstances are as follows:

1           A.     Respondent and patient A.K.<sup>2</sup> ("patient" or "A.K.") met on an Internet  
2     dating site on or about late April or early May 2006, and the two agreed to meet in person  
3     on or about May 3, 2006. After their meeting, Respondent set an appointment for A.K. to  
4     be seen as a patient by himself at a medical care facility later that same date, on or about  
5     May 3, 2006.

6           B.     On May 3, 2006, Respondent took a history, conducted a physical  
7     examination and ordered lab tests for the patient. Respondent also performed a pap  
8     smear on patient on or about May 3, 2006, even though Respondent was not an OB/GYN  
9     and despite his having access to information which indicated that patient had a previous  
10    pap smear which was performed approximately six months earlier, on or about November  
11    14, 2005.

12          C.     On May 3, 2006, Respondent also prescribed three drugs (Ativan, Restoril,  
13    and Trazadone) for the patient, although Respondent had access to all of patient's  
14    medical records, which did not show that patient required said drugs and which showed  
15    that patient had never taken these drugs before.

16          D.     Respondent and patient subsequently met for dinner on the evening of  
17    May 3, 2006, and the two later returned to Respondent's home. Once at Respondent's  
18    residence, the patient began to feel the effects of the medication and accepted  
19    Respondent's offer to sleep in his bed. Patient had no recollection of any other events  
20    occurring after falling asleep until waking the following morning, when she learned from  
21    Respondent himself that the two had engaged in sexual intercourse.

22          E.     The patient states that she could not remember participating in sexual  
23    intercourse with Respondent and has no present recall of whether or not she consented to  
24    the sexual intercourse with Respondent.

25          13.     Ativan is a trade name for Lorazepam, a potent, short- to medium-duration  
26    action benzodiazepine which is a sedative/hypnotic, muscle relaxant, anxiolytic, amnesic and  
27    \_\_\_\_\_

28               2. The patient's identity will be disclosed upon receipt of a proper discovery request.

anticonvulsant. It is used in the treatment of anxiety and insomnia; it induces disinhibition and fear reduction. In higher doses the patient is frequently not able to recall unpleasant events (a process called anterograde amnesia) which is a desirable and intended effect in procedures such as endoscopies. Patients should be warned against drinking alcohol while on Ativan because the combination can result in enhancement of anterograde amnesia and disinhibition. Among benzodiazepines, Lorazepam has relatively strong amnesic effects. Benzodiazepines are capable of abuse to facilitate rape, especially together with alcohol. Lorazepam is a Schedule IV controlled substance.

14. Restoril is a trade name for Temazepam, a powerful hypnotic drug, which is a benzodiazepine derivative. It possesses powerful anxiolytic, hypnotic, anticonvulsant, amnesic, sedative and skeletal muscle relaxant properties. Temazepam is commonly prescribed for insomnia and other serious sleep disorders. It is considered to be one of the most addictive of the benzodiazepines. Common side effects of Temazepam include sleepiness, impaired motor function and coordination, euphoria, anterograde amnesia, confusion and lack of concentration. Temazepam impairs cognitive and psychomotor functions, affecting reaction time and driving skill. The use of this drug in combination with alcohol potentiates these side effects, and can lead to toxicity and death. Temazepam is a Schedule IV controlled substance.

15. Trazodone is a psychoactive compound with sedative, anxiolytic, and antidepressant properties. It is a serotonin reuptake inhibitor and is also a 5-HT<sub>2</sub> receptor antagonist. It is used in the treatment of clinical depression with or without anxiety, chronic insomnia, and to control nightmares or other disturbed sleep. Reported side effects include drowsiness, fatigue, lethargy, psychomotor retardation, lightheadedness, dizziness, difficulty in concentration, confusion, uncontrollable laughter, and changes in libido. Trazodone may enhance the effects of alcohol, barbiturates and other CNS depressants.

## SECOND CAUSE FOR DISCIPLINE

**(Gross Negligence)**

16. By reason of the foregoing facts, Respondent is subject to disciplinary action for gross negligence in violation of Business and Professions Code section 2234(b),

1 including but not limited to:

2           A.     His sexual abuse/exploitation, misconduct and relations with his patient  
3 are an extreme departure from the standard of care.

4           B.     Respondent's failure to maintain the boundaries of the doctor-patient  
5 relationship, and his misuse of the doctor-patient relationship to gratify his own  
6 emotional and sexual needs by dating and by having sex with the patient constitutes  
7 extreme departures from the standard of care.

8                                   **THIRD CAUSE FOR DISCIPLINE**

9                                   **(Repeated Negligent Acts)**

10           17.    By reason of the foregoing facts, Respondent is subject to disciplinary  
11 action for repeated negligent acts in violation of Business and Professions Code section 2234(c)  
12 for his sexual abuse/exploitation of his patient and for his misuse of the doctor-patient  
13 relationship by performing an unnecessary medical procedure (May 3<sup>rd</sup> 2006 pap smear) on his  
14 patient and by prescribing unnecessary medication for his patient.

15                                   **FOURTH CAUSE FOR DISCIPLINE**

16                                   **(Conviction of Crimes)**

17           18.    Respondent is subject to disciplinary action under sections 2236 (a)(d) and  
18 490 of the Code, and California Code of Regulations, Title 16, section 1360, in that he was  
19 convicted of violating section 729(a) of the Code (Sexual Exploitation of a Patient), as well as  
20 section 242 of the California Penal Code (Battery), both misdemeanors involving facts set forth  
21 in paragraphs 12A through 17 above. The circumstances of these convictions are as follows:

22           19.    On or about May 3, 2006, a complaint was filed against respondent in a  
23 criminal proceeding entitled *People v. Kamron Hakhamimi*, in Superior Court, Los Angeles  
24 County, Case Number 7CA02480, with the following offenses:

- 25           A.     COUNT 01: Business & Professions Code 729(a)- Sex With a Patient  
26           B.     COUNT 02: Penal Code section 243.4(c)- Sexual Battery  
27           C.     COUNT 03: Penal Code section 243.4(b)- Sexual Battery  
28           D.     COUNT 04: Penal Code section 243.4(e)(1)- Unlawful Touching

1                   20.     On or about August 15, 2008, an Amended Complaint was filed to add  
2 COUNT 05 (Penal Code section 242- Battery). On the same date, respondent was convicted  
3 upon his plea of *nolo contendere* to Counts 01 and 05 above, with the remaining counts  
4 dismissed.

5                   21.     On August 15, 2008, respondent was placed on probation for thirty-six  
6 months, ordered to serve sixty days in county jail or perform forty-five days of community  
7 service, to be evaluated by a psychologist or a psychiatrist, not to conduct any examination or  
8 treatment of any female patients without the presence of another female medical professional, to  
9 stay at least 100 yards away from A.K., pay restitution/reimbursement to A.K. as well as the  
10 Board, and to comply with all lawful directives and orders of the Board, as well as to obey all  
11 laws and orders of the Superior Court.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Board issue a decision:

- 4 1. Revoking or suspending Physician's and Surgeon's Number A 74169,  
5 issued to Kamron Hakhamimi, M.D,  
6 2. Revoking, suspending or denying approval of his authority to supervise  
7 physician assistants, pursuant to section 3527 of the Code;  
8 3. Ordering him to pay the Board the reasonable costs of probation  
9 monitoring, if he is placed on probation.  
10 4. Taking such other and further action as deemed necessary and proper.

11 DATED: 9/23/08  
12

13   
14 BARBARA JOHNSTON  
15 Executive Director  
16 Medical Board of California  
17 State of California  
18 Complainant

19 LA2007501397

20 First Acc Hakhamimi.wpd  
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